

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**STARSURGICAL, INC.,
Plaintiff,**

v.

Case No. 10-CV-01156

**APERTA, LLC,
Defendant.**

DECISION AND ORDER

Plaintiff Starsurgical, Inc. moves to file a third amended complaint adding Heidi Wittman and Mark Wittman as additional defendants. Since plaintiff's claims against these individuals are related to the claims already pending before this court and discovery in this case is still ongoing, I will grant plaintiff's motion. See Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave [to amend] when justice so requires.").

Plaintiff also seeks leave to file certain documents under seal because they have been marked "Confidential" or "Attorneys' Eyes Only" by one of the parties. However, since courts are public institutions, plaintiff's unsupported claim that a document is confidential is not sufficient to overcome the presumption of openness. See *Cnty. Materials Corp. v. Allan Block Corp.*, 502 F.3d 730, 740 (7th Cir. 2007). Therefore, I will wait to rule on this motion and give the parties additional time to explain why these documents should be withheld from the public record.

THEREFORE, IT IS ORDERED that plaintiff's motion to amend/correct the second amended complaint [Docket #106] is **GRANTED**.

IT IS FURTHER ORDERED that the parties have 14 days to show good cause why plaintiff's motion to seal documents [DOCKET #108] should be granted. If the parties cannot show good cause to seal, I will order the clerk to include these documents in the public record.

Dated at Milwaukee, Wisconsin, this 31st day of August 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge